

1 Honorable Ricardo S. Martinez
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 CHERYL ENSTAD et al.,
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12 Plaintiffs,
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vs.
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15 PEACEHEALTH,
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Defendant.
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No. 2:17-cv-01496-RSM

**STIPULATED MOTION TO STAY
PROCEEDINGS**

Note on Motion Calendar: April 25, 2018

Location: 13206

Judge: Hon. Ricardo S. Martinez

Complaint Filed: October 5, 2017

1 Defendant PeaceHealth (“PeaceHealth”) and Plaintiffs Cheryl Enstad and Pax Enstad
 2 (“Plaintiffs”), by and through their counsel and pursuant to Local Rules 7(d)(1) and 10(g),
 3 respectfully move the Court to stay the proceedings in this action while the parties engage in
 4 settlement efforts.

5 1. This case was filed on October 5, 2017, and concerns health coverage for gender
 6 transition surgery for minor plaintiff Pax Enstad. (ECF No. 1.)

7 2. On November 7, 2017, the Court entered an Order vacating the deadlines for the
 8 parties to (1) conduct the Federal Rule of Civil Procedure (“FRCP”) Rule 26(f) conference; (2)
 9 file the Joint Status Report and Discovery Plan as required by FRCP and Local Rule 26(f); and
 10 (3) conduct initial disclosures pursuant to FRCP Rule 26(a)(1). The Order also stated that the
 11 Court would issue a revised Order setting these deadlines to commence thirty days after its ruling
 12 on PeaceHealth’s anticipated Motion to Dismiss. (ECF No. 21.)

13 2. On January 8, 2018, PeaceHealth filed its Motion to Dismiss Complaint Pursuant
 14 to Rule 12(b)(6), with a Noting date of February 9, 2018. (ECF No. 25.)

15 3. On February 5, 2018, Plaintiffs filed their Opposition to Defendant’s Motion to
 16 Dismiss Complaint. (ECF No. 27.)

17 4. Also on February 5, 2018, Plaintiffs filed a Motion to Certify Question to
 18 Washington Supreme Court with a Noting Date of February 23, 2018. (ECF No. 28.)

19 5. On February 8, 2018, the Court entered an order extending the time for
 20 PeaceHealth to file its Reply Brief in Support of its Motion to Dismiss from February 8, 2018 to
 21 February 12, 2018, and extending the time for Plaintiffs to file their Reply Briefs in Support of
 22 their Motion to Certify from February 23, 2018 to February 26, 2018. (ECF No. 30.)

23 5. On February 12, 2018, PeaceHealth filed its Reply Brief in Support of its Motion
 24 to Dismiss. (ECF No. 31.)

25 6. On February 26, 2018, Plaintiffs filed their Reply Brief in Support of their Motion
 26 to Certify. (ECF No. 32.)

27 7. Both the Motion to Dismiss and the Motion to Certify remain pending. No other
 28 motions or hearings are pending and there are no other deadlines set in this case.

1 8. The parties have recently begun settlement discussions, and the parties believe
2 they may be able to settle this action without the need for further proceedings in Court, including
3 a ruling on the pending motions.

4 9. Accordingly, the parties desire to stay all proceedings in this action immediately so
5 that they may devote their efforts toward settlement of this action.

6 10. The parties believe that the requested stay will not prejudice any party or result in
7 a waste of judicial resources.

8 11. Should the Court grant this Motion and issue an order staying the proceedings, the
9 parties further agree to file with the Court an update regarding settlement status within 90 days of
10 entry of the Court's order unless the case has been settled and dismissed before that date.

11 12. Accordingly, for good cause, PeaceHealth and Plaintiffs request that the Court
12 approve the parties' stipulation and stay this action while the parties pursue settlement.

13 A proposed form of order is lodged herewith.

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1 Dated: April 25, 2018

MANATT, PHELPS & PHILLIPS, LLP
DAVIS WRIGHT TREMAINE, LLP

3 By: /s/ Barry S. Landsberg

4 Barry S. Landsberg
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PEACEHEALTH

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17 Attorneys for Defendant
PEACEHEALTH

19 Dated: April 25, 2018

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23 By: /s/ Lisa Nowlin

24 Lisa Nowlin
25 *Attorney for Plaintiffs*
CHERYL AND PAX ENSTAD

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2018, I electronically filed the foregoing:

STIPULATED MOTION TO STAY PROCEEDINGS

with the Clerk of Court using the Electronic Filing System which will send notification of such filing to the counsels:

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